

Motion for New Trial

NO. 19043

ZSC 241

COMMONWEALTH VS. CHRISTOPHER R. BOUSQUET

| FOR COMMONWEALTH | | FOR DEFENDANT |
|----------------------------|---|--|
| | | Kenneth Sullivan, Esq. (Trial) 257 No. Main St. Fall River, MA 678-8388 (W/D-5/12/88) |
| Lance J. Garth, Asst. D.A. | | Eileen D. Agnes, Esq. 10 Palmer Road Framingham, MA 01701 508-879-7474 |
| MURDER | 265/1 | |
| Jan. 13, 1987 | 1) Entered. | DIST. CR. |
| Jan. 13, 1987 | Notice ordered to be given to the Defendant that said indictment will be entered forthwith upon the docket of this court. - (Byron, J.) MWG | |
| Jan. 13, 1987 | Attested copy of Indictment given to Sheriff for service on the Defendant. | |
| Jan. 13, 1987 | Notice to Chief Justice and Attorney General with attested copy of Indictment as required by G.L. (Ter. Ed) 212, Sec. 7. | |
| Jan. 29, 1987 | Appearance of Kenneth Sullivan, Attorney for the deft. | |
| Jan. 29, 1987 | Pleads Not Guilty. - MWG | |
| Jan. 29, 1987 | Continued on same bail as District Court, namely \$100,000 cash. - (Byron, J.) MWG | |
| Jan. 29, 1987 | Continued to February 5, 1987 for conference reports. - (Byron, J.) MWG | |
| Feb. 5, 1987 | Conference report filed. | |
| Feb. 13, 1987 | Continued to Feb. 20, 1987. (Byron, J.) MWG | |
| Feb. 17, 1987 | Def't's Motion for Allowance of Funds for Retention of Psychiatrist or Psychiatrists | |
| Feb. 20, 1987 | Continued to March 2, 1987 for motions. (Carey, J.) MJS | |

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| Feb. 24, 1987 | 5) Deft's Motion for Allowance of Funds for Retention of Private Investigator |
| Mar. 2, 1987 | 6) Deft's motion for Bill of Particular. |
| Mar. 2, 1987 | Motion #4 Allowed to \$500. only. - (Jacobs, J) MJS |
| Mar. 2, 1987 | Motion #5 Allowed as indicated. - (Jacobs, J) MJS |
| Mar. 5, 1987 | 7) Commonwealth's Response to conference report. |
| Mar. 30-87 | Continued to April 8, 1987 (Sheehan, J.) MJS |
| Apr. 8, 1987 | Continued to May 13, 1987 for status by agreement. (Keating, J.) MWG |
| May 13, 1987 | Continued to June 22, 1987 at the request of the Deft. - (Volterra, J) MJS |
| July 10, 1987 | Commonwealth's Motion for Reciprocal Discovery. (vide 19044 #7) |
| July 10, 1987 | Commonwealth's Motion for Examination of Deft. regarding criminal responsibility. (vide 19044 #8) |
| July 10, 1987 | Affidavit in Support of Commonwealth's Motion for examination of Deft. regarding criminal responsibility. (vide 19044 #9) |
| July 10, 1987 | Affidavit in Support of Commonwealth's Motion for Reciprocal Discovery. (vide 19044 #10) |
| July 14, 1987 | Commonwealth's Motion #7 Allowed. (Hurd, J.) MWG (vide 19044) |
| July 14, 1987 | Commonwealth's Motion #8 Allowed to be examined by Dr. Larry Strassburg. (Hurd, J.) MWG (vide 19044) |
| July 14, 1987 | Continued to October 19, 1987 for trial. (Hurd, J.) MWG |
| Oct. 5, 1987 | 8) Psychiatric Evaluation from Dr. Larry H. Strassburger, |
| Dec. 9, 1987 | Cont. to January 11, 1988 for trial. (Sheehan, J.) WRC |

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FOR COMMONWEALTH

FOR DEFENDANT

for screening purposes
James Couture, Esq.
P.O. Box 63
Belchertown, MA 01007
(413) 323-7486

Jan. 19, 1988
Jan. 19, 1988
Feb. 1, 1988
Feb. 8, 1988
Feb. 8, 1988
Feb. 9, 1988
Feb. 9, 1988
Feb. 10, 1988
Feb. 10, 1988
Feb. 10, 1988
Feb. 10, 1988
Feb. 10, 1988
Mar. 21, 1988

Distr. Cr.

- 9) Report from John E. Snell, M.D.
- 10) Commonwealth's motion for confidential juror Questionnaire.
- 11) Confidential Juror Questionnaires.
- 12) List of exhibits.
- 13) Question to the Jurors - (Jacobs,J)
- 14) Juror questions.
- 15) Question to the Jurors - (Jacobs,J)
- 16) Juror question.
- 17) Verdict Guilty of Murder in the First Degree with Deliberately premeditated malice aforethought; extreme atrocity or cruelty.
- 18) Sentenced to the Massachusetts Correctional Institution, Cedar Junction for the term of his natural life, without the possibility of parole. Deft. advised of his right to appeal the sentence and Judgment of the court within 30 days thereof; defendant ordered to pay \$25.00 to the Victim Witness Assistance Fund; the Court on imposing said sentence ordered that the deft. be deemed to have served - 413 - days of said sentence. - (Jacobs,J) WRC
- 18A) Warrant issued; Superintendent commanded to withdraw first twenty-five \$25.00 dollars from Deft. savings or personal account to pay to Court the Victim Witness Assessment.
- 19) Murder report sent to Thomas R. Morse, Jr., Adm. Justice.
- Certificate Under M. R. A. P. 4(b).
- Victim/Witness assessment in amount of \$25 paid.

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| Apr. 26, 1988 | 20) | Order for Transcript mailed to Gerald R. Romanow, official court reporter |
| May 12, 1988 | 21) | Defendant's Notice of Appeal purs. to M.R.A.P. 4(b). (Cert. of Service to Office of the District Attorney) (copy to Jacobs, J.) |
| May 12, 1988 | 22) | Withdrawal of Appearance filed by Kenneth L. Sullivan, Esq. (copies to Jacobs, J. and Lance J. Garth, Asst. District Attorney) |
| May 27, 1988 | 23) | Notice of Assignment of Committee for Public Counsel Services, Boston, for defendant's appeal. (Jacobs, J.) |
| Aug. 12, 1988 | 24) | Notice from CPCS indicating that Eileen Agnes, Esq., 10 Palmer Rd., Framingham, MA 01701 has been assigned to this case. |
| Aug. 23, 1988 | 25) | Notice of Appearance filed by Eileen D. Agnes, Esq., for defendant. |
| Sep. 23, 1988 | 26) | Order for transcript of hearing held on the 6th day of the trial re two questions from the jurors on February 9, 1988 before Jacobs, J., mailed to Carol P. Tinkham, official court reporter. |
| Oct. 28, 1988 | 26A-H) | Original typed transcripts of proceedings on February 1, 2, 3, 4, 5, 8, 9 & 10, 1988 (Vols. I thru VIII resp.) submitted by Gerald Romanow, official court reporter. |
| Nov. 14, 1988 | 27) | Certification of delivery of transcripts of proceedings on February 1, 2, 3, 4, 5, 8, 9 & 10, 1988 (Vols. I thru VIII resp.) by mailing one copy of each to Eileen D. Agnes, Esq., attorney for defendant. |
| Nov. 16, 1988 | 28) | Certification of delivery of transcripts of proceedings on February 1, 2, 3, 4, 5, 8, 9 & 10, 1988 (Vols. I thru VIII resp.) by giving one copy of each in hand to Dana Curhan, Asst. District Attorney, for delivery to Lance J. Garth, Asst. District Attorney. |
| Nov. 16, 1988 | 29) | Receipt for Exhibit #21 - confession tape - submitted as evidence in trial, by giving same in hand to Dana Curhan, Asst. District Atty., for delivery to Lance J. Garth, Asst. District Attorney. (returned to Magistrate's Office) |
| Jan. 9, 1989 | 30) | Statement of the case (copies to counsel) |
| Jan. 9, 1989 | 31) | Notice of Assembly of Record on Appeal. (copies to counsel) |
| Aug. 3-90 | 32) | Rescript received: Judgment affirmed. (Liacos, C.J., Abrams, Nolan, O'Connor, Greaney, JJ Supreme Judicial Court) |

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FOR COMMONWEALTH

FOR DEFENDANT

| DATE | FOR COMMONWEALTH | FOR DEFENDANT |
|----------------|---|---------------|
| Feb. 27, 1995 | 33.) Deft's Motion for the Appointment of Counsel for Motion for new trial (dia) | Distr. Ct. |
| Feb. 27, 1995 | 34.) Deft's Motion for a New Trial Post Conviction relief pursuant to MRC.P Rule 30 and Memorandum in Support. (dia) | |
| March 5, 1997 | 35) Deft.'s Pro Se Motion for Funds for Private Investigator, Para-legal Researcher; Affidavit in Support thereof. (dg) | |
| March 25, 1997 | 36) Memorandum and Order on Various Defendant's Motions: as more particularly contained therein. (O'Neill, J.) (Case sent to Judge Chin sitting in the Fall River Superior Court) (Copies to counsel) (dg) | |
| March 31, 1997 | Deft's Motion (#33), for the Appointment of Counsel for Motion for New Trial - ALLOWED. (Chin, J.) PRA (Copy to CPCS) (dg) | |
| March 31, 1997 | 37) Request for Assignment of Counsel for Motion for New Trial. (Copy to CPCS) (dg) | |
| May 13, 1997 | Deft.'s Motion (#33), for Appointment of Counsel - CPCS having declined to appoint counsel and the Court seeing no reason to appoint counsel, this Motion is Denied. The Defendant, Pro Se, may notify the Court when he is prepared to argue his new trial Motion. (Chin, J.) PRA (Copy to Defendant and Paul Walsh, District Attorney) (dg) | |
| July 10, 1997 | 38) Deft's MOTION for a Writ of Habeas Corpus Ad-Testificandum. (Judge Chin notified.) lmc | |
| Aug. 5, 1997 | 39) Deft's Motion for a Stay of Proceedings for a Period of (60) days. lmc | |
| Aug. 5, 1997 | Deft's Motion (#39) for a Stay of Proceedings for a Period of (60) days; Motion Allowed. (Chin, J.) PRA (copies to Deft.) lmc | |

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Oct. 17, 1997 40) Deft's Motion to Proceed in Forma Pauperis. lmc (O'Neill, J. notified)

Oct. 17, 1997 41) Deft's Renewed Motion for Appointment of Counsel. lmc

Oct. 17, 1997 42) Deft's Motion to Amend. lmc

Oct. 17, 1997 43) Deft's Motion to Withdraw previously filed Motion for New Trial in favor of filing enclosed Motion. lmc

Oct. 17, 1997 44) Deft's Motion to exceed twenty pages with the Memorandum in support of Motion for New Trial. lmc

Oct. 17, 1997 45) Deft's Renewed Motion for a New Trial. lmc

Nov. 24, 1997 46) MEMORANDUM AND ORDER On Various Defense Motions (results on Motion #'s 40 - 45) (as more particularly contained therein.) (O'Neill, J.) (copy sent to Deft.) lmc

Nov. 24, 1997 Deft's Motion (#40) to Proceed in Forma Pauperis; Motion Allowed. (O'Neill, J.) (See Memorandum) lmc

Nov. 24, 1997 Deft's Renewed Motion (#41) for Appointment of Counsel; Motion Denied. (O'Neill, J.) (See Memorandum) lmc

Nov. 24, 1997 Deft's Motion (#42) to Amend; No Action taken. (O'Neill, J.) (See Memorandum) lmc

Nov. 24, 1997 Deft's Motion (#43) to Withdraw previously filed Motion for New Trial; Motion Allowed. (O'Neill, J.) (See Memorandum) lmc

Nov. 24, 1997 Deft's Motion (#44) to exceed twenty pages with the Memorandum in support of Motion for New Trial; Motion Allowed. (O'Neill, J.) (See Memorandum) lmc

Nov. 24, 1997 Deft's Renewed Motion (#45) for a New Trial; Motion Denied without a hearing for reasons set forth in the body of the decision. (See Memorandum #46) (O'Neill, J.) lmc

Dec. 1, 1997 47) Deft's Notice of Appeal of Motion to Amend. (O'Neill, J. notified) lmc

Dec. 1, 1997 48) Deft's Motion to Waive Filing Fees with Docketing Appeal. (O'Neill, J. notified) lmc

Dec. 2, 1997 Deft's Motion (#42) to Amend; Denied without a hearing. (O'Neill, J.) (copy to Deft.) lmc

Dec. 2, 1997 Deft's Motion (#48) to Waive filing fees with Docketed Appeal; Allowed, Deft. serving prison sentence. (O'Neill, J.) (copy to Deft.) lmc

June 4, 1999 49) Statement of the Case on Defendant's Denial of Motion to Amend. lmc

June 4, 1999 50) Notice to Counsel of Assembly of Record on Appeal on Denial of Motion to Amend. lmc

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| June 4, 199 | - Submitted to the Appeals Court. lmc | Distr. Cr. |
| June 10, 1999 | - Resubmitted to Ashley Brown Ahearn, Appeals Court. (sent letter to Appeals Court, Elisept Cypner, A.D.A. and Christopher Bousquet, Pro Se) lmc | |
| June 23, 1999 | 51) Notice of Docket Entry from the Appeals Court; ORDER: The appeal is vacated and the assembly returned to the Trial Court as it was both improperly assembled and docketed. (Appeals Court Clerk) lmc | |
| July 9, 1999 | 52) Notice of Assignment of James Couture, Counsel for the Dft. for Screening purposes. lmc | |
| August 13, 2001 | 53) Notice of Docket Entry from the SJC: Memorandum and Order - The petition for leave to appeal the denial of Bousquet's motion for for a new trial is denied. (Robert J. Cordy, Associate Justice) dga | |